

120000503

V I R G I N I A:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: CNX GAS COMPANY LLC) VIRGINIA GAS
) AND OIL BOARD
RELIEF SOUGHT: RE-POOLING OF INTERESTS IN)
DRILLING UNIT **J-37** LOCATED) DOCKET NO.
IN THE **OAKWOOD COALBED METHANE GAS**) **07-0116-1853-01**
FIELD II PURSUANT TO VA. CODE)
§§ 45.1-361.21 AND 45.1-361.22, FOR)
THE PRODUCTION OF OCCLUDED NATURAL)
GAS PRODUCED FROM COALBEDS AND ROCK)
STRATA ASSOCIATED THEREWITH (herein)
Collectively referred to as)
"Coalbed Methane Gas" or "Gas"))
)
LEGAL DESCRIPTION:)
)
)
DRILLING UNIT NUMBER **J-37**)
(herein "Subject Drilling Unit"))
IN THE **OAKWOOD COALBED METHANE GAS FIELD II**)
GARDEN MAGISTERIAL DISTRICT,)
KEEN MOUNTAIN QUADRANGLE)
BUCHANAN COUNTY, VIRGINIA)
(the "Subject Lands" are more)
particularly described on **Exhibit A,**)
attached hereto and made a part hereof)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. Hearing Date and Place: This came for final hearing before the Virginia Gas and Oil board (hereafter "Board") at 9:00 a.m. on **November 15, 2011** at the at the Russell County Conference Center, Lebanon, Virginia.

2. Appearances: Mark Swartz, Esquire, of the firm Swartz Law Offices PLLC, appeared for the Applicant; and Sharon M. B. Pigeon, Assistant Attorney General, was present to advise the Board.

3. Jurisdiction and Notice: Pursuant to Va. Code §§ 45.1-361.1 et seq., the Board finds that it has jurisdiction over the subject matter. Based upon the evidence presented by Applicant, the Board also finds that the Applicant has (1) exercised due diligence in conducting a search of the reasonably available sources to determine the identity and whereabouts of gas and oil owners, coal owners, mineral owners and/or potential owners, i.e., persons identified by Applicant as having ("Owner") or claiming ("Claimant") the rights to Coalbed Methane Gas in all coal seams below the Tiller Seam, including the Upper Seaboard, Greasy Creek, Middle Seaboard, Lower Seaboard, Upper Horsepen, Middle Horsepen, War Creek, Lower Horsepen, Pocahontas No. 9, Pocahontas No. 8, Pocahontas No. 7, Pocahontas No. 6, Pocahontas

No. 5, Pocahontas No. 4, Pocahontas No. 3, Pocahontas No. 2 and various unnamed coal seams and rock strata associated therewith (hereafter "Subject Formation") in Subject Drilling Unit underlying and comprised of Subject Lands; (2) represented it has given notice to those parties (hereafter sometimes "person(s)" whether referring to individuals, corporations, partnerships, associations, companies, businesses, trusts, joint ventures or other legal entities) entitled by Va. Code §§ 45.1-361.19 and 45.1-361.22, to notice of the Application filed herein; and (3) that the persons set forth in their Application and Notice of Hearing have been identified by Applicant through its due diligence as Owners of Claimants of Coalbed Methane Gas interests in Subject Formation, in Subject Drilling Unit and that the persons identified in **Exhibit B-3** attached hereto are persons identified by Applicant who may be Owners or Claimants of Coalbed Methane Gas interests in Subject Formation who have not heretofore agreed to lease or sell to the Applicant and/or voluntarily pool their Gas interests. Conflicting Gas Owners/Claimants in Subject Drilling Unit are listed on **Exhibit E**. Further, the Board has caused notice of this hearing to be published as required by Va. Code § 45.1-361.19.B. Whereupon, the Board hereby finds that the notices given herein satisfy all statutory requirements, Board rule requirements and the minimum standards of due process.

4. Amendments:

5. Dismissals:

6. Relief Requested: Applicant requests (1) that pursuant to Va. Code § 45.1-361.22, including the applicable portions of Va. Code § 45.1-361.21, the Board pool all the rights, interests and estates in and to the Gas in Subject Drilling Unit, including the pooling of the interests of the Applicant and of the known and unknown persons named in Exhibit B-3 hereto and that of their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, for the drilling and operation, including production, of Coalbed Methane Gas, produced from or allocated to the Subject Drilling Unit established for the Subject Formation underlying and comprised of the Subject Lands, (hereafter sometimes collectively identified and referred to as "Well Development and/or Operation in the Subject Drilling Unit"), and (2) that the Board designate CNX Gas Company LLC as Unit Operator.

7. Relief Granted: The Applicant's requested relief in this cause shall be and hereby is granted: (1) Pursuant to Va. Code § 45.1-361.21.C.3, CNX Gas Company LLC (hereafter "Unit Operator") is designated as the Unit Operator authorized to drill and operate the Coalbed Methane Gas well in the Subject Drilling Unit at the location depicted on the plat attached hereto as **Exhibit A**, subject to the permit provisions contained in Va. Code §§ 45.1-361.27 et seq.; to the Oakwood Coalbed Methane Gas Field II Order docket number VGOB 91-1119-162, effective December 17, 1991; to §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; and to §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations, all as amended from time to time, and (2) all the interests and estates in and to the Gas in Subject Drilling Unit, including that of the Applicant and of the known and unknown persons listed on **Exhibit B-3**, attached hereto and made a part hereof, and their known and unknown heirs, executors, administrators, devisees, trustees, assigns and successors, both immediate and remote, be and

hereby are pooled in the Subject Formation in the Subject Drilling Unit underlying and comprised of the Subject Lands.

Pursuant to the Oakwood II Field Rules promulgated under the authority of Va. Code § 45.1-361.20, the Board has adopted the following method for the calculation of production and revenue and allocation of allowable costs for the production of Coalbed Methane Gas, dependent on the particular long wall mining plan applicable to each 80-acre drilling unit. The Designated Operator of any 80-acre drilling unit or units within the boundaries, of which any long wall panel which has been isolated by the driving of entries is located and from which Unsealed Gob Gas, Short Hole Gas or Gas from any Well authorized by the Code of Virginia is produced, shall calculate production and revenue based upon the mine plan as implemented within each affected 80-acre drilling unit and in particular, based upon the mineral acreage, as platted upon the surface, in each 80-acre drilling unit actually contained within a long wall panel as depicted by said mine plan. Except as otherwise provided herein, a copy of the pertinent portion of the mine plan being utilized to calculate production, revenue and costs from any affected 80-acre drilling unit shall be filed of record with the Board prior to the payment of any revenue based upon such calculations.

The formula or division of interest for production from any 80-acre drilling unit affected by a long wall panel and from any; separately owned tract in any such 80-acre unit shall be calculated as follows:

- 7.1 For Short Hole Gas - The amount of production produced from and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of mineral acreage, when platted on the surface, which is both in the affected unit and the long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.
- 7.2 For Unsealed Gob Gas - The amount of production produced from and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of mineral acreage, when platted on the surface, which is both in the affected unit and the long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.
- 7.3 a. For Gas from Any Well Located in a Long Wall Panel - After actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel, the amount of Gas produced from such a well and attributed to each 80-acre drilling unit shall be the ratio (expressed as a percentage) that the amount of mineral acreage, when platted on the surface, which is both in the affected 80-acre drilling unit and the isolated long wall panel, bears to the total mineral acreage, when platted on the surface, contained within the entire long wall panel affecting such 80-acre drilling unit.

b. For Frac Well Gas - Prior to the actual commencement of coal mining operations by the driving of entries and completion of isolation of a long wall panel, Gas from any well located in a proposed long wall panel shall be produced from and allocated to only the 80-acre drilling unit in which the well is located according to the undivided interests of each Owner/Claimant within the unit, which undivided interest shall be the ratio (expressed as a percentage) that the amount of mineral acreage within each separate tract that is within the Subject Drilling Unit, when platted on the surface, bears to the total mineral acreage, when platted on the surface, contained within the entire 80-acre drilling unit in the manner set for the in the Oakwood I Field Rules.

8. Election and Election Period: In the event any Owner or Claimant named in **Exhibit B-3** hereto does not reach a voluntary agreement to share in the operation of the well located in the Subject Drilling Unit, at a rate of payment mutually agreed to by said Gas Owner or Claimant and the Unit Operator, then such person named may elect one of the options set forth in Paragraph 9 below and must give written notice of his election of the option selected under Paragraph 9 to the designated Unit Operator at the address shown below within thirty (30) days from the date of receipt of a copy of this Order. A timely election shall be deemed to have been made if, on or before the last day of said 30-day period, such electing person has delivered his written election to the designated Unit Operator at the address shown below or has duly postmarked and placed its written election in first class United States mail, postage prepaid, addressed to the Unit Operator at the address shown below.

9. Election Options:

9.1 Option 1 - To Participate In The Well Development and Operation of the Drilling Unit: Any Gas Owner or Claimant named in **Exhibit B-3** who does not reach a voluntary agreement with the Unit Operator may elect to participate in the Well Development and Operation in the Subject Drilling Unit (hereafter "Participating Operator") by agreeing to pay the estimate of such Participating Operator's proportionate part of the actual and reasonable costs of the Well Development contemplated by this Order for Gas produced pursuant to the Oakwood II Field Rules, including a reasonable supervision fee, as more particularly set forth in Virginia Gas and Oil Board Regulation 4 VAC 25-160-100 (herein "Completed-for-Production Costs"). Further, a Participating Operator agrees to pay the estimate of such Participating Operator's proportionate part of the Completed-for-Production Cost as set forth below to the Unit Operator within forty-five (45) days from the later of the date of mailing or the date of recording of this Order. The Completed-for-Production Cost for the Subject Drilling Unit is as follows:

Completed-for-Production Cost: \$643,730.03

A Participating Operator's proportionate cost hereunder shall be the result obtained by multiplying the Participating Operators' "Interest in Unit" times the Completed-for-Production Cost set forth above. Provided, however, that in the event a Participating Operator elects to participate and fails or refuses to pay the estimate of his proportionate part of the Completed-for-Production Cost as set forth above, all within the time set forth herein and in the manner prescribed in Paragraph 8 of this Order, then such Participating Operator shall be deemed to have elected not to participate and to have elected compensation in lieu of participation pursuant to Paragraph 9.2 herein.

9.2 Option 2 - To Receive A Cash Bonus Consideration: In lieu of participating in the Well Development and Operation in Subject Drilling Unit under Paragraph 9.1 above, any Gas Owner or Claimant named in **Exhibit B-3** hereto who does not reach a voluntary agreement with the Unit Operator may elect to accept a cash bonus consideration of **\$5.00** per net mineral acre owned by such person, commencing upon entry of this Order and continuing annually until commencement of production from Subject Drilling Unit, and thereafter a royalty of 1/8th of 8/8ths [twelve and one-half percent (12.5%)] of the net proceeds received by the Unit Operator for the sale of the Coalbed Methane Gas produced from any Well Development and Operation covered by this Order multiplied by that person's Interest in Unit or proportional share of said production [for purposes of this Order, net proceeds shall be actual proceeds received less post-production costs incurred downstream of the wellhead, including, but not limited to, gathering, compression, treating, transportation and marketing costs, whether performed by Unit Operator or a third person] as fair, reasonable and equitable compensation to be paid to said Gas Owner or Claimant. The initial cash bonus shall become due and owing when so elected and shall be tendered, paid or escrowed within one hundred twenty (120) days of recording of this Order. Thereafter, annual cash bonuses, if any, shall become due and owing on each anniversary of the date of recording of this order in the event production from Subject Drilling Unit has not theretofore commenced, and once due, shall be tendered, paid or escrowed within sixty (60) days of said anniversary date. Once the initial cash bonus and the annual cash bonuses, if any, are so paid or escrowed, subject to a final legal determination of ownership, said payment(s) shall be satisfaction in full for the right, interests, and claims of such electing person in and to the Gas produced from Subject Formation in the Subject Lands, except, however, for the 1/8th royalties due hereunder.

Subject to a final legal determination of ownership, the election made under this Paragraph 9.2, when so made, shall be satisfaction in full for the right, interests, and

claims of such electing person in any Well Development and Operation covered hereby and such electing person shall be deemed to and hereby does lease and assign, its right, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant.

- 9.3. Option 3 - To Share In The Well Development And Operation As A Non-Participating Person On A Carried Basis And To Receive Consideration In Lieu Of Cash: In lieu of participating in the Well Development and Operation in Subject Drilling Unit under Paragraph 9.1 above and in lieu of receiving a Cash Bonus Consideration under Paragraph 9.2 above, any Gas Owner or Claimant named in **Exhibit B-3** hereto who does not reach a voluntary agreement with the Unit Operator may elect to share in the Well Development and Operation of Subject Drilling Unit on a carried basis (as a "Carried Well Operator"] so that the proportionate part of the Completed-for-Production Cost hereby allocable to such Carried Well Operator's interest is charged against such Carried Well Operator's share of production from Subject Drilling Unit. Such Carried Well Operator's rights, interests, and claims in and to the Gas in Subject Drilling Unit shall be deemed and hereby are assigned to the Applicant until the proceeds from the sale of such Carried Well Operator's share of production from Subject Drilling Unit (exclusive of any royalty, excess or overriding royalty, or other non-operating or non cost-bearing burden reserved in any lease, assignment thereof or agreement relating thereto covering such interest) equals three hundred percent (300%) for a leased interest or two hundred percent (200%) for an unleased interest (whichever is applicable) of such Carried Well Operator's share of the Completed-for-Production Cost allocable to the interest of such Carried Well Operator. When the Applicant recoups and recovers from such Carried Well Operator's assigned interest the amounts provided for above, then, the assigned interest of such Carried Well Operator shall automatically revert back to such Carried Well Operator, and from and after such reversion, such Carried Well Operator shall be treated as if it had participated initially under Paragraph 9.1 above; and thereafter, such participating person shall be charged with and shall pay his proportionate part of all further costs of such Well Development and Operation.

Subject to a final legal determination of ownership, the election made under this Paragraph 9.3, when so made, shall be satisfaction in full for the rights, interests, and claims of such electing person in any Well Development and Operation covered hereby and such electing person shall be deemed to have and hereby does assign its rights, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant for the period of time during which its interest is carried as above provided prior to its reversion back to such electing person.

10. Failure to Properly Elect: In the event a person named in **Exhibit B-3** hereto does not reach a voluntary agreement with the Unit Operator and fails to elect within the time, in the manner and in accordance with the terms of this Order, one of the alternatives set forth in Paragraph 9 above for which his interest qualifies, then such person shall be deemed to have elected not to participate in the proposed Well Development and Operation in Subject Drilling Unit and shall be deemed, subject to a final legal determination of ownership, to have elected to accept as satisfaction in full for such person's right, interests, and claims in and to the Gas the consideration provided in Paragraph 9.2 above for which its interest qualifies and shall be deemed to have leased and/or assigned his right, interests, and claims in and to the Gas produced from Subject Formation in the Subject Drilling Unit to the Applicant. Persons who fail to properly elect shall be deemed, subject to a final legal determination of ownership, to have accepted the compensation and terms set forth herein at Paragraph 9.2 in satisfaction in full for the right, interests, and claims of such person in and to the Gas produced from the Subject Formation underlying Subject Lands.

11. Default By Participating Person: In the event a person named in **Exhibit B-3** elects to participate under Paragraph 9.1, but fails or refuses to pay, to secure the payment or to make an arrangement with the Unit Operator for the payment of such person's proportionate part of the Completed-for-Production Cost as set forth herein, all within the time and in the manner as prescribed in this Order, then such person shall be deemed to have withdrawn his election to participate and shall be deemed to have elected to accept as satisfaction in full for such person's right, interest, and claims in and to the Gas the consideration provided in Paragraph 9.2 above for which his interest qualifies depending on the excess burdens attached to such interest. Whereupon, any cash bonus consideration due as a result of such deemed election shall be tendered, paid or escrowed by Unit Operator within one hundred twenty (120) days after the last day on which such defaulting person under this Order should have paid his proportionate part of such cost or should have made satisfactory arrangements for the payment thereof. When such cash bonus consideration is paid or escrowed, it shall be satisfaction in full for the right, interests, and claims of such person in and to the Gas underlying Subject Drilling Unit in the Subject Lands covered hereby, except, however, for any royalties which would become due pursuant to Paragraph 9.2 hereof.

12. Assignment of Interest: In the event a person named in **Exhibit B-3** is unable to reach a voluntary agreement to share in the Well Development and Operation contemplated by this Order at a rate of payment agreed to mutually by said Owner or Claimant and the Unit Operator, or fails to make an election under Paragraph 9.1 above, then subject to a final legal determination of ownership, such person shall be deemed to have and shall have assigned unto Applicant such person's right, interests, and claims in and to said well, and other share in production to which such person may be entitled by reason of any election or deemed election hereunder in accordance with the provisions of this Order governing said election.

13. Unit Operator (or Operator): **CNX Gas Company LLC** shall be and hereby is designated as Unit Operator authorized to drill and

operate the Coalbed Methane Well in Subject Formation in Subject Drilling Unit, all subject to the permit provisions contained in Va. Code §§ 45.1-361.27 et seq.; §§ 4 VAC 25-150 et seq., Gas and Oil Regulations; §§ 4 VAC 25-160 et seq., Virginia Gas and Oil Board Regulations; the Oakwood Coalbed Gas Field II Order Docket Number VGOB 91-1119-162, all as amended from time to time, and all elections required by this Order shall be communicated to Unit Operator in writing at the address shown below:

CNX Gas Company LLC
2481 John Nash Blvd.
Bluefield, WV 24701
Attn: Anita D. Duty

14. Commencement of Operations: Unit Operator shall commence or cause to commence operations for the drilling of the well(s) within the Subject Drilling Unit and/or the well(s) outside the Subject Drilling Unit but from which production is allocated to the Subject Drilling Unit within Seven Hundred and Thirty (730) days from the date of the Order and shall prosecute same with due diligence. If Unit Operator shall not have so commenced and/or prosecuted, then this Order shall terminate, except for any cash sums then payable hereunder; otherwise, unless sooner terminated by Order of the Board, this Order shall expire at 12:00 P.M. on the date on which all wells covered by the Order and/or all wells from which production is allocated to the Subject Drilling Unit are permanently abandoned and plugged. However, in the event an appeal is taken from this Order, then the time between the filing of the petition for appeal and the final Order of the Circuit Court shall be excluded in calculating the two-year period referred to herein.

15. Operator's Lien: Unit Operator, in addition to the other rights afforded hereunder, shall have a lien and a right of set off on the Gas estates, rights, and interests owned by any person subject hereto who elects to participate under Paragraph 9.1 in the Subject Drilling Unit to the extent that costs incurred in the drilling or operation on the Subject Drilling Unit are chargeable against such person's interest. Such liens and right of set off shall be separable as to each separate person and shall remain liens until the Unit Operator drilling or operating any well covered hereby has been paid the full amounts due under the terms of this Order.

16. Escrow Provisions:

The Applicant represented to the Board that there **are no** unknown or unlocatable claimants in the Subject Drilling Unit whose payments are subject to the provisions of Paragraph 16.1 hereof in the Subject Drilling Unit; and, the Unit Operator has represented to the Board that there **are** conflicting claimants in **Tract(s) 7** of Subject Drilling Unit whose payments are subject to the provisions of Paragraph 16.2 hereof. Therefore, by this Order, the Escrow Agent named herein or any successor named by the Board, **is** required to establish an interest-bearing escrow account for **Tract(s) 7** Subject Drilling Unit (herein "Escrow Account"), and to receive and account to the Board pursuant to its agreement for the escrowed funds hereafter described in Paragraphs 16.1 and 16.2:

First Bank & Trust Company
PO Box 3860
Kingsport, TN 37664
Attn: Debbie Davis

16.1. Escrow Provisions For Unknown or Unlocatable Persons: If any payment of bonus, royalty payment or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be located or is unknown, then such cash bonus, royalty payment, or other payment shall not be commingled with any funds of the Unit Operator and, pursuant to Va. Code § 45.1-361.21.D, said sums shall be deposited by the Unit Operator into the Escrow Account, commencing within one hundred twenty (120) days of recording of this Order, and continuing thereafter on a monthly basis with each deposit to be made, by use of a report format approved by the Inspector, by a date which is no later than sixty (60) days after the last day of the month being reported and/or for which funds are being deposited. Such funds shall be held for the exclusive use of, and sole benefit of the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board in accordance with Va. Code § 45.1-361.21.D.

16.2 Escrow Provisions For Conflicting Claimants: If any payment of bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment due and owing under this Order cannot be made because the person entitled thereto cannot be made certain due to conflicting claims of ownership and/or a defect or cloud on the title, then such cash bonus, royalty payment, proceeds in excess of ongoing operational expenses, or other payment, together with Participating Operator's Proportionate Costs paid to Unit Operator pursuant to Paragraph 9.1 hereof, if any, (1) shall not be commingled with any funds of the Unit Operator; and (2) shall, pursuant to Va. Code §§ 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4, be deposited by the Operator into the Escrow Account within one hundred twenty (120) days of recording of this Order, and continuing thereafter on a monthly basis with each deposit to be made by a date which is no later than sixty (60) days after the last day of the month being reported and/or for which funds are subject to deposit. Such funds shall be held for the exclusive use of, and sole benefit of, the person entitled thereto until such funds can be paid to such person(s) or until the Escrow Agent relinquishes such funds as required by law or pursuant to Order of the Board.

17. Special Findings: The Board specifically and specially finds:

17.1. **CNX Gas Company LLC**, a Virginia limited liability company is duly authorized and qualified to transact business in the Commonwealth of Virginia;

17.2. **CNX Gas Company LLC** has the authority to explore, develop

and maintain the properties and assets, now owned or hereafter acquired, consented to serve as Coalbed Methane Gas Unit Operator for Subject Drilling Unit and to faithfully discharge the duties imposed upon it as Unit Operator by statute and regulations;

17.3. **CNX Gas Company LLC** is an operator in the Commonwealth of Virginia, and has satisfied the Board's requirements for operations in Virginia;

17.4 **CNX Gas Company LLC** claims ownership of gas leases, Coalbed Methane Gas leases, and/or coal leases representing **96.2322** percent of the oil and gas interest/claims in and to Coalbed Methane Gas and **96.2322** percent of the coal interest/claims in and to Coalbed Methane Gas in Subject Drilling Unit; and, Applicant claims the right to explore for, develop and produce Coalbed Methane Gas from Subject Formations in Subject Drilling Unit in **Buchanan** County, Virginia, which Subject Lands are more particularly described in **Exhibit A**;

17.5. The estimated total production from Subject Drilling Unit is **125 MMCF to 550 MMCF**. The estimated amount of reserves from the Subject Drilling Unit is **125 MMCF to 550 MMCF**;

17.6. Set forth in **Exhibit B-3**, is the name and last known address of each Owner or Claimant identified by the Applicant as having or claiming an interest in the Coalbed Methane Gas in Subject Formation in Subject Drilling Unit underlying and comprised of Subject Lands, who has not, in writing, leased to the Applicant or the Unit Operator or agreed to voluntarily pool his interests in Subject Drilling Unit for its development. The interests of the Respondents listed in **Exhibit B-3** comprise **3.7678** percent of the oil and gas interests/claims in and to Coalbed Methane Gas and **3.7678** percent of the coal interests/claims in and to Coalbed Methane Gas in Subject Drilling Unit;

17.7 Applicant's evidence established that the fair, reasonable and equitable compensation to be paid to any person in lieu of the right to participate in the Wells are those options provided in Paragraph 9 above;

17.8 The relief requested and granted is just and reasonable, is supported by substantial evidence and will afford each person listed and named in **Exhibit B-3** hereto the opportunity to recover or receive, without unnecessary expense, such person's just and fair share of the production from Subject Drilling Unit. The granting of the Application and relief requested therein will ensure to the extent possible the greatest ultimate recovery of Coalbed Methane Gas, prevent or assist in preventing the various types of waste prohibited by statute and protect or assist in protecting the correlative rights of all persons in the subject common sources of supply in the Subject Lands. Therefore, the Board is entering an Order granting the relief herein set forth.

18. Mailing Of Order And Filing Of Affidavit: Applicant or its Attorney shall file an affidavit with the Secretary of the Board within sixty (60) days after the date of recording of this Order stating that a true and correct copy of said Order was mailed within seven (7) days from the date of its receipt by Unit Operator to each Respondent named in Exhibit B-3 pooled by this Order and whose address is known.

19. Availability of Unit Records: The Director shall provide all persons not subject to a lease with reasonable access to all records for Subject Drilling Unit which are submitted by the Unit Operator to said Director and/or his Inspector(s).

20. Conclusion: Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

21. Appeals: Appeals of this Order are governed by the provisions of Va. Code Ann. § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court.

22. Effective Date: This Order shall be effective as of the date of the Board's approval of this Application, which is set forth at Paragraph 1 above.

DONE AND EXECUTED this 16 day of Feb., 2012, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Chairman, Bradley C. Lambert

DONE AND PERFORMED this 16th day of February, 2012, by Order of the Board.

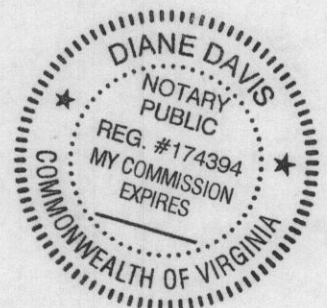
Rick Cooper
Rick Cooper
Principal Executive to the Staff, Virginia Gas and Oil Board

STATE OF VIRGINIA
COUNTY OF RUSSELL

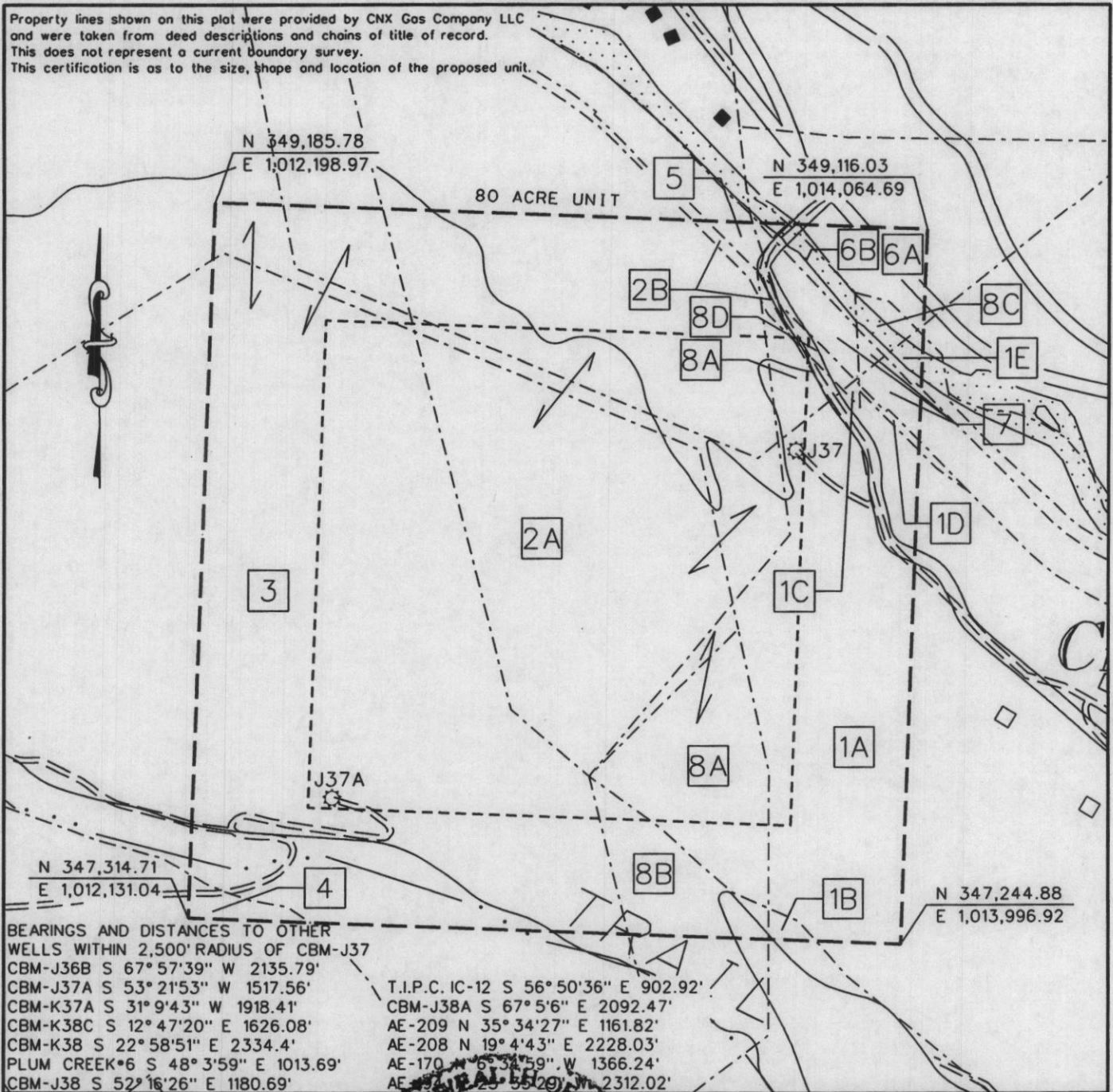
Acknowledged on this 16th day of February, 2012, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

Diane J. Davis
Diane Davis, Notary Public
174394

My commission expires: September 30, 2013



Property lines shown on this plat were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.



BEARINGS AND DISTANCES TO OTHER WELLS WITHIN 2,500' RADIUS OF CBM-J37
 CBM-J36B S 67° 57' 39" W 2135.79'
 CBM-J37A S 53° 21' 53" W 1517.56'
 CBM-K37A S 31° 9' 43" W 1918.41'
 CBM-K38C S 12° 47' 20" E 1626.08'
 CBM-K38 S 22° 58' 51" E 2334.4'
 PLUM CREEK*6 S 48° 3' 59" E 1013.69'
 CBM-J38 S 52° 16' 26" E 1180.69'

T.I.P.C. IC-12 S 56° 50' 36" E 902.92'
 CBM-J38A S 67° 5' 6" E 2092.47'
 AE-209 N 35° 34' 27" E 1161.82'
 AE-208 N 19° 4' 43" E 2228.03'
 AE-170 N 6° 34' 59" W 1366.24'
 AE-171 N 6° 34' 59" W 1366.24'

○ CBM WELL
 ⊙ PROPOSED HORIZONTAL WELL
 ⊕ PROPOSED CBM WELL

COMMONWEALTH OF VIRGINIA
 RICHARD C. MURPHY
 Lic. No. 041898
 10-10-11
 PROFESSIONAL ENGINEER

EXHIBIT A
 OAKWOOD FIELD
 UNIT J37
 FORCE POOLING
 VGOB-07-0116-1853-01

Company CNX Gas Company LLC Well Name and Number UNIT J37
 Tract No. _____ Elevation _____ Quadrangle KEEN MOUNTAIN
 County BUCHANAN District GARDEN Scale: 1" = 400' Date _____
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
 Rev. 9/91

Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

CNX Gas Company LLC

UNIT J-37

Tract Identifications

1. Consolidation Coal Company, et al, Big Vein Tract 32 (442.57 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam Leased
Highland Resources, Inc./North American Resources Corporation, et al – Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased (1/3)
Plum Creek Timberlands, L.P., et al – CBM
CNX Gas Company – CBM Leased
12.39 Acres 15.4875%
- 1A. Milfred Maxwell Heirs, et al – Surface Owner
- 1B. Unknown Surface Owner
- 1C. Norfolk Southern Railway Company – Surface Owner
- 1D. Norfolk Southern Railway Company – Surface Owner
- 1E. Norfolk Southern Railway Company – Surface Owner
2. Fulton H. Cole Heirs – Fee
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam Leased
Appalachian Energy – Oil and Gas Leased
Appalachian Energy – CBM Leased (CNX Gas Company LLC Operator)
24.09 Acres 30.1125%
- 2A. Fulton H. Cole Heirs – Surface Owner
- 2B. Norfolk Southern Railway Company – Surface Owner
3. Caroline Cole Keen, et al (164.56 Acre Tract) – All Minerals (Except Jawbone Seam & 1/9 In P-3 Seam)
Island Creek Coal Company/Consol Energy, Inc. – 1/9 Int. in P-3 Seam
Jewell Smokeless Coal Corporation- Jawbone Seam
Island Creek Coal Company/Consol Energy, Inc. - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Above Drainage Coal Leased
Appalachian Energy – Oil and Gas Leased (90.76543%)
Appalachian Energy – CBM Leased (84.29630%) (CNX Gas Company LLC – Operator)
CNX Gas Company LLC - CBM Leased (2.46914%)
Caroline Cole Keen, et al – Surface
32.02 Acres 40.0250%
4. Buck Jewell Resources, LLC (100 Acre Tract) – Fee except Coal in Jawbone Seam
Jewell Smokeless Coal Corporation – Jawbone Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Appalachian Energy – Oil and Gas Leased
Appalachian Energy – CBM Leased (CNX Gas Company LLC – Operator)
0.41 Acres 0.5125%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

CNX Gas Company LLC

UNIT J-37

Tract Identifications

5. Norfolk Southern Railway Company – Fee
Island Creek Coal Company/Consol Energy, Inc. – P-3 Seam Leased
CNX Gas Company LLC – CBM Leased
0.23 Acres 0.2875%
6. Caroline Cole Keen, et al (79.10 Acre Tract) – All Minerals (Except Jawbone Seam & 1/9 In P-3 Seam)
Island Creek Coal Company/Consol Energy, Inc. – 1/9 Int. in P-3 Seam
Jewell Smokeless Coal Corporation- Jawbone Seam
Island Creek Coal Company/Consol Energy, Inc. - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Above Drainage Coal Leased
Appalachian Energy – Oil and Gas Leased
Appalachian Energy – CBM Leased (79.01235%) (CNX Gas Company LLC – Operator)
CNX Gas Company LLC - CBM Leased (10.98765%)
Caroline Cole Keen, et al – Surface
1.68 Acres 2.1000%
- 6A. Caroline Cole Keen, et al – Surface
- 6B. Norfolk Southern Railway Company – Surface Owner
7. Norfolk Southern Railway Company – Fee (Except Coal Below 800 Feet)
Island Creek Coal Company/Consol Energy, Inc. – P-3 Seam Leased
Consolidation Coal Company, et al – Coal Below 800 Feet
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam except P-3 Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam up to 800 Feet Leased
CNX Gas Company LLC – CBM Leased
1.34 Acres 1.6750%
8. Consolidation Coal Company, et al, Big Vein Tract 32 (442.57 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam Leased
Highland Resources, Inc./North American Resources Corporation, et al – Oil and Gas
Appalachian Energy – Oil and Gas Leased
Plum Creek Timberlands, L.P., et al - CBM
CNX Gas Company – CBM Leased
7.84 Acres 9.8000%
- 8A. Milfred Maxwell Heirs, et al – Surface Owner
- 8B. Unknown Surface Owner
- 8C. Norfolk Southern Railway Company – Surface Owner
- 8D. Norfolk Southern Railway Company – Surface Owner

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

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Exhibit B-3
Unit J-37
Docket # VGOB 07-0116-1853-01
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
I. COAL OWNERSHIP		
<u>Tract #3, 32.02 Acres</u>		
Caroline Cole Keen, et al. (Caroline Cole Gregory Heirs, Devisees, Successors or Assigns) (164.56 Acre Tract)	32.02 acres	40.0250%
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street * P.O. Box 459 Abingdon, VA 24212	1.779 acres 1/18 of 32.02 acres	2.2236%
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald Heirs, Devisees, Successors or Assigns		
(d.1.1) B.W. McDonald Testamentary Trust PO Box 999 Prestonsburg, KY 41653	1.067 acres 1/30 of 32.02 acres	1.3342%
<u>Tract #6, 1.68 Acres</u>		
Caroline Cole Keen, et al. (Caroline Cole Gregory Heirs, Devisees, Successors or Assigns) 85 Acre Tract (now identified as 79.10 acres)	1.68 acres	2.1000%
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street * P.O. Box 459 Abingdon, VA 24212	0.093 acres 1/18 of 1.68 acres	0.1167%
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald		
(d.2) Lena McDonald Heirs, Devisees, Successors or Assigns		
(d.2.1) Byrd W. McDonald, II * 10456 NW 2nd Ave. Portland, OR 97231	0.037 acres 1/45 of 1.68 acres	0.0467%
(d.2.5) Greta McDonald Meek * 177 Colvin Branch Oil Springs, KY 41238	0.037 acres 1/45 of 1.68 acres	0.0467%
II. OIL & GAS OWNERSHIP		
<u>Tract #3, 32.02 Acres</u>		
Caroline Cole Keen, et al. (Caroline Cole Gregory Heirs, Devisees, Successors or Assigns) (164.56 Acre Tract)	32.02 acres	40.0250%

Exhibit B-3
Unit J-37
Docket # VGOB 07-0116-1853-01
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street * P.O. Box 459 Abingdon, VA 24212	1.779 acres 1/18 of 32.02 acres	2.2236%
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald Heirs, Devisees, Successors or Assigns		
(d.1.1) B.W. McDonald Testamentary Trust PO Box 999 Prestonsburg, KY 41653	1.067 acres 1/30 of 32.02 acres	1.3342%
<u>Tract #6, 1.68 Acres</u>		
Caroline Cole Keen, et al. (Caroline Cole Gregory Heirs, Devisees, Successors or Assigns) 85 Acre Tract (now identified as 79.10 acres)	1.68 acres	2.1000%
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street * P.O. Box 459 Abingdon, VA 24212	0.093 acres 1/18 of 1.68 acres	0.1167%
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald		
(d.2) Lena McDonald Heirs, Devisees, Successors or Assigns		
(d.2.1) Byrd W. McDonald, II * 10456 NW 2nd Ave. Portland, OR 97231	0.037 acres 1/45 of 1.68 acres	0.0467%
(d.2.5) Greta McDonald Meek * 177 Colvin Branch Oil Springs, KY 41238	0.037 acres 1/45 of 1.68 acres	0.0467%

***Note: The Oil & Gas is leased by Appalachian Energy**

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Exhibit E
Unit J-37
Docket # VGOB 07-0116-1853
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Well J37	Well J37A
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Tract #7, 1.34 Acres

Only a portion of this tract will be escrowed

COAL OWNERSHIP

(2) Yukon Pocahontas Coal Company et al., Tr. 32 (Coal below 800')	1.34 acres	1.6750%	Escrow 65.7241% of their interest in unit
(a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.67 acres 1/2 of 1.34 acres	0.8375%	
(b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	0.15 acres 1/9 of 1.34 acres	0.1861%	
(c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.07 acres 1/18 of 1.34 acres	0.0931%	
(d) Consolidation Coal Company * 10545 Riverside Dr. Oakwood, VA 24631	0.45 acres 1/3 of 1.34 acres	0.5583%	

* Note: Plum Creek Timberlands retained their CBM interest, there is no conflict.
If no conflict, the royalty for (d) is to be paid to Plum Creek.

OIL & GAS OWNERSHIP

(1) Norfolk Southern Railway Company	1.34 acres	1.6750%	Pay NS 34.2759% of their interest in unit	Coal above 800' not stimulated
If no conflict royalties paid to: Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701				Escrow 100.0000% of their interest in unit

INSTRUMENT #120000503
RECORDED IN THE CLERK'S OFFICE OF
BUCHANAN COUNTY ON
MARCH 20, 2012 AT 11:38AM

BEVERLY S. TILLER, CLERK
RECORDED BY: GGB

18

Hagy, Sharon (DMME)

From: VITASHARE System [vitashare@vita.virginia.gov]
Sent: Wednesday, March 28, 2012 10:30 AM
To: Hagy, Sharon (DMME)
Subject: New Transaction MQM5A0120WU731PF

Transaction details for Sharon Hagy(user shagy_1) _____

Job Id: MQM5A0120WU731PF

Date: Wed, Mar 28, at 10:29

Transaction Details:

Acknowledge Security Policy: I understand that this system is not intended for sensitive data.

Recipient's Email example- user1@virginia.gov, user2@virginia.gov:
AnitaDuty@consolenergy.com, gloria.clark@dmme.virginia.gov, hilareymullins@consolenergy.com

Message - Describe file attachment: Please see the recorded orders for the following dockets: 0009-76 1853-01 2551 Let me know if you are unable to download the files. Thanks, Sharon

Notify me when the file is downloaded?: Yes
Pin: 50319

Files:

0009-76_Nora Field Rule.tif
1853-01_Re-Pooling.tif
2551_Pooling-Original.tif

View details here

<<http://vitashare.vita.virginia.gov/fcweb/viewJobLink.do?JOBIDX=MQM5A0120WU731PF>>

Total Estimated File Size: 1092 KB
Total Number of Files: 3
Estimated Upload Time: 00:01:03

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO. VGOB 07-0116-1853-01

RELIEF SOUGHT: RE-POOLING

UNIT NUMBER: J-37

NOTICE OF HEARING

HEARING DATE: November 15, 2011
PLACE: Russell County Conference Center
135 Highlands Drive
Lebanon, Virginia 24266
TIME: 9:00 AM



COMMONWEALTH OF VIRGINIA:

To: Yukon Pocahontas Coal Company, Buchanan Coal Company, Sayers-Pocahontas Coal Company, Consolidation Coal Company, Plum Creek Timberlands, Highlands Resources, Inc./North American Resources, Corp.; Adria J.C. Kilbreath, Amanda L. Shepley; Appalachian Energy; Edith G. Street, Martha E. Combs c/o Benjamin F. Edwards & Co., F.H. Combs Testamentary Trust, Carol Irvin, Island Creek Coal Company, Nancy J. Cole, James W. Burress, Margaret M. Davis, B.W. McDonald Testamentary Trust, Byrd W. McDonald, II, Timothy J. McDonald, Tamala McDonald Williams, Gregory B. McDonald, Greta McDonald Meek, Larry Dean Cole, Mary F. Harris, Harold G. Cole, Donald Stephen Cole, Kenneth Edward Cole, Norma Cole Dotson, Caroline Cole Keen, Bruce Michael Cooper, Rita Gail Cooper, Thelma Cooper Owens, Teresa Lynn Rogers, Thurman G. Cooper, Jr., Terry Allen Cooper, Karen Cooper Rowe, Sharon Cooper Daniels, Melanie D. Cooper, Corey S. Cooper, Byron D. Cooper, Jewell Smokeless Coal Corporation; Buck Jewell Resources, LLC; CNX Gas Company LLC; Norfolk Southern Railway Company, Pocahontas Land Corporation

1. **Applicant and its counsel:** Applicant is CNX Gas Company LLC, 2481 John Nash Blvd., Bluefield, West Virginia 24701. Applicant's counsel is Mark A. Swartz, of the firm Swartz Law Offices, PLLC, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
2. **Relief sought:** Re-Pooling.
3. **Proposed provisions of order:** (a) Pooling all the interests and estates of the persons named above in coalbed methane in the unit in question; (b) Establishing a procedure whereby each respondent shall have the right to make elections; (c) Providing that any respondent who does not make a timely election shall be deemed to have leased or assigned his coalbed methane gas interests to the applicant at a rate to be established by the Board; (d) Designating CNX Gas Company LLC as Unit Operator; (e) Making any necessary provisions for the escrow of funds; (f) Granting such other relief as is merited by the evidence and is just and equitable, whether or not such relief has been specifically requested herein.
4. **Legal Authority:** Va. Code Ann. §45.1-361.1 et seq. 4 VAC 25-160-10 et seq. and relevant Virginia Gas and Oil Board Orders heretofore promulgated pursuant to law including OGCB 3-90; VGOB-91-1119-162; VGOB 92/02/16-0336; and VGOB 93/03/16-0349.
5. **Type of well(s):** Coalbed methane.
6. **Plat:** Annexed hereto are Exhibit A, Exhibit A1 and the Tract Identifications for Exhibit A. The Plat shows the size and shape of the unit and the boundaries of the tracts within the unit. The Tract Identification page shows the percentage of acreage in each tract. The plat is certified by a licensed professional engineer and is attested by the undersigned on behalf of the applicant to be in conformity with existing orders issued by the Board.

7. **Your interest or claim sought to be pooled by this Application pertains to coalbed methane gas.**

8. **Formation(s) to be produced and estimates:** All coal seams and associated strata below the Tiller seam of coal all as more particularly described in the annexed proposed order. The estimated total production from subject unit is **125 to 550** MMCF. The estimated amount of reserves from the subject drilling unit is **125 to 550** MMCF. These figures concerning estimated production and the amount of reserves are, however, estimates only that are not based upon actual production and should not be relied upon for any purpose. It should not be assumed that final production before plugging and abandonment will equal estimated reserves.

9. **Estimate of allowable costs:** \$643,730.03

10. **Attestation:** The foregoing application to the best of my knowledge, information, and belief is true and correct.

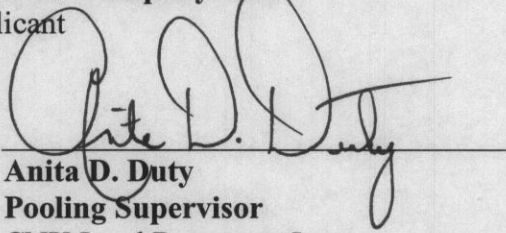
NOTICE IS FURTHER GIVEN that this cause has been set for hearing and the taking of evidence before the Board at 9:00 AM, on **November 15, 2011**, at the Russell County Conference Center, Lebanon, Virginia 24266, and that notice will be published as required by law and the rules of the Board.

NOTICE IS FURTHER GIVEN that you may attend this hearing, with or without an attorney, and offer evidence or state any comments you have. For further information or a copy of the application and exhibits, either contact the Virginia Gas and Oil Board, State Oil and Gas Inspector, Department of Mines, Minerals and Energy, Division of Gas and Oil, P. O. Box 159, Lebanon, Virginia 24266, 276/415-9650 or the Applicant at the address shown below.

DATED: 10-14-11

CNX Gas Company LLC
Applicant

By:


Anita D. Duty
Pooling Supervisor
CNX Land Resources Inc.
2481 John Nash Blvd.
Bluefield, WV 24701

BUCHANAN COUNTY

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EXHIBIT A1

UNIT J-37

VG0B 07-0116-1853-01

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANT: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO.: VGOB 07-0116-1853-01

RELIEF SOUGHT: RE-POOLING

LOCATION: SEE EXHIBITS "A" AND "A1"

HEARING DATE: November 15, 2011

UNIT NUMBER: J-37
IN THE OAKWOOD COALBED METHANE GAS FIELD I
BUCHANAN COUNTIES, VIRGINIA

APPLICATION

1. **Applicant and its counsel:** Applicant is **CNX Gas Company LLC**, 2481 John Nash Blvd., Bluefield, West Virginia 24701, 304/323-6500. Applicant's counsel is Mark A. Swartz, Esquire, of the firm Swartz Law Offices, PLLC, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.
2. **Relief sought:** Re-Pooling under Oakwood Coalbed Methane Gas Field I.
3. **Legal Authority:** Va. Code Ann. §45.1-361.1 et seq. 4 VAC 25-160-10 et seq. and relevant Virginia Gas and Oil Board Orders heretofore promulgated pursuant to law including OGCB 3-90; VGOB-91-1119-162; VGOB 92/02/16-0336; and VGOB 93/03/16-0349.
4. **Type of well(s):** Coalbed methane, including increased density wells as required by mining plans.
5. **Permit numbers, if any:** CBM-J37 Permit #7443, CBM-J37A Permit #11803
6. **Plat:** Annexed hereto are Exhibit A and the Tract Identifications for Exhibit A. The Plat shows the size and shape of the unit and the boundaries of the tracts within the unit. The plat is certified by a licensed professional engineer and is attested by the undersigned on behalf of the applicant to be in conformity with existing orders issued by the Board.
7. **Status of interests to be pooled and Applicant's standing:** The respondents whose interests are sought to be pooled by the Applicant are:

Yukon Pocahontas Coal Company, Buchanan Coal Company, Sayers-Pocahontas Coal Company, Consolidation Coal Company, Plum Creek Timberlands, Highlands Resources, Inc./North American Resources, Corp.; Adria J.C. Kilbreath, Amanda L. Shepley; Appalachian Energy; Edith G. Street, Martha E. Combs c/o Benjamin F. Edwards & Co., F.H. Combs Testamentary Trust, Carol Irvin, Island Creek Coal Company, Nancy J. Cole, James W. Burress, Margaret M. Davis, B.W. McDonald Testamentary Trust, Byrd W. McDonald, II, Timothy J. McDonald, Tamala McDonald Williams, Gregory B. McDonald, Greta McDonald Meek, Larry Dean Cole, Mary F. Harris, Harold G. Cole, Donald Stephen Cole, Kenneth Edward Cole, Norma Cole Dotson, Caroline Cole Keen, Bruce Michael Cooper, Rita Gail Cooper, Thelma Cooper Owens, Teresa Lynn Rogers, Thurman G. Cooper, Jr., Terry Allen Cooper, Karen Cooper Rowe, Sharon Cooper Daniels, Melanie D. Cooper, Corey S. Cooper, Byron D. Cooper, Jewell Smokeless Coal Corporation; Buck Jewell Resources, LLC; CNX Gas Company LLC; Norfolk Southern Railway Company, Pocahontas Land Corporation

Further, said respondents are listed in Exhibit B-3 hereto which describes their interests/claims. The respondents and others whose interests are subject to escrow under §45.1-361.21.D. are identified at Exhibit E. The annexed Exhibit A, page 2, sets forth the total interest(s) held by Applicant in the unit.

8. **Formation(s) to be produced and estimates:** All coal seams and associated strata below the Tiller seam of coal all as more particularly described in the annexed proposed order. The estimated total production from subject unit is **125 to 550** MMCF. The estimated amount of reserves from the subject drilling unit is **125 to 550** MMCF. These figures concerning estimated production and the amount of reserves are, however, estimates only that are not based upon actual production and should not be relied upon for any purpose. It should not be assumed that final production before plugging and abandonment will equal estimated reserves.

9. **Estimate of allowable costs:** \$643,730.03 See Exhibit C which estimates/reports the costs associated with one frac well. To the extent additional wells may be required by mine plans in the Buchanan No. 1 Mine, the costs of any such additional wells as may be permitted by the Division of Gas and Oil, in accordance with the provisions of §45.1-361.20.C., Code of Virginia, will not be allocated for frac well production to the subject unit by the Operator.

10. **Attestation:** The foregoing application, to the best of my knowledge, information, and belief, is true and correct.

CNX Gas Company LLC

Applicant

By: 

Anita D. Duty

Pooling Supervisor

CNX Land Resources Inc.

2481 John Nash Blvd.

Bluefield, WV 24701

Ownership information pertaining to J-37 unit.

1. Percentage of coalbed methane rights owned, leased or previously pooled by applicant:

<u>Gross Percentages</u>	<u>Coal Owner(s)</u>	<u>Net Percentages</u>
96.2322%		96.2322%

<u>Gross Percentages</u>	<u>Oil & Gas Owner(s)</u>	<u>Net Percentages</u>
96.2322%		96.2322%

2. Percentage of coalbed methane rights not owned, leased or previously pooled by applicant:

<u>Gross Percentages</u>	<u>Coal Owner(s)</u>	<u>Net Percentages</u>
3.7678%		3.7678%

<u>Gross Percentages</u>	<u>Oil & Gas Owner(s)</u>	<u>Net Percentages</u>
3.7678%		3.7678%

3. Total interest to be pooled:

- a. Coal interest: 3.7678%
- b. Oil & Gas interest: 3.7678%

Exhibit C
Unit: J-37
VGOB 07-0116-1853
Estimated Cost

ITEM	MATERIALS			LABOR & INCIDENTALS	TOTAL
ft. of 18" 92# CONDUCTOR					
ft. of 16" 55# CONDUCTOR	ft. @ 22/ft.	\$0.00			
ft. of 16" 55# CASING					
35 ft. of 12 3/4" 48#, CASING	(35@ 14.9/ft.)	\$521.50	(35@ 2.00/ft.)	\$70.00	\$591.50
0 ft. of 9 5/8" 32#, CASING	(0@ 10.9/ft.)		(0@ 2.00/ft.)		
668 ft. of 7" 32#, CASING	(668@ 10.9/ft.)	\$7,281.20	(668@ 2.00/ft.)	\$1,336.00	\$8,617.20
1940 ft. of 4 1/2" 15.5#, CASING	(1940@ 4.3/ft.)	\$8,342.00	(1940@ .50/ft.)	\$970.00	\$9,312.00
1960 ft. of 2 3/8" 4.7#,	(1960@ 1.15/ft.)	\$2,254.00	(1960@ .50/ft.)	\$980.00	\$3,234.00
TUBING					
1960 ft. of 5/8" RODS	(1960@ 0.15/ft.)	\$294.00	(1960@ .50/ft.)	\$980.00	\$1,274.00
METER RUN		\$1,500.00		\$1,000.00	\$2,500.00
PUMPING UNIT		\$5,000.00			\$5,000.00
SUBSURFACE CASING EQUIPMENT		\$3,100.00			\$3,100.00
MISC. FITTINGS & PIPING					
13 3/8" X 5 1/2" CASING HEAD					
7" X 4 1/2" CASING HEAD		\$950.00			\$950.00
5 1/2" X 2 3/8" CASING HEAD					
2" WB PUMP					
CEMENT & CEMENT SERVICES				\$6,500.00	\$6,500.00
COMPLETION					
WIRELINE SERVICES					
FRACTURE STIMULATION				\$70,000.00	\$70,000.00
RENTAL EQUIPMENT					
CONTRACT HAULING					
CONTRACT SERVICES				\$5,000.00	\$5,000.00
CONTRACT DRILLING			35 ft. of 15" Drilling @ 26/ft.	\$910.00	\$910.00
			2015 ft. of 6 1/2" Drilling @ 14.75/ft.	\$29,721.25	\$29,721.25
MISC. DRILLING				\$2,972.13	\$2,972.13
				\$4,500.00	\$4,500.00
LOCATION, TITLE, ETC.		\$5,000.00		\$30,000.00	\$35,000.00
MISCELLANEOUS(Location)				\$2,500.00	\$2,500.00
13 3/8" X 8" WELL HEAD					
7" X 8" WELL HEAD		\$950.00			\$950.00
2 3/8" X 1 1/8" JACKBOX					
Power		\$7,500.00		\$2,500.00	\$10,000.00
Well/Force Pooling fees		\$150.00			\$150.00
Publication		\$100.00			\$100.00
TOTAL ESTIMATED COST		\$42,942.70		\$159,939.38	\$202,882.08

Well: J-37

Permit No.: 7443

Drilled: 8/6/06

Total Depth: 1561.04'

Prepared By:

Richard L. Chung

DATE PREPARED:

12/15/06

Well J37A
Estimated AFE
VGOB 07-0116-1853-01

CODE	ITEM				Est. Cost
	Title and Acquisition				\$10,400.00
	Survey & Permits				\$1,255.00
	Site Preparation				\$124,561.89
	Drilling Contract Services				\$66,220.09
	Logging Services				\$2,423.35
	Casing				\$9,121.10
	Cement & Cement Svcs.				\$9,018.35
	Contract Services and Labor				\$750.00
Dry Hole Cost					\$223,749.78
	Production Casing				\$11,942.69
	Cementing Services				\$9,656.68
	Well Head Equipment				\$6,317.55
	Logging/Perforating				\$11,423.00
	Completion (Stimulation)				\$92,719.31
	Electrical Installation				\$23,155.00
	Noncontrollable Materials (Elect)				\$12,889.50
	Pumping Unit and Equipment				\$11,342.34
	Tubing and Rods				\$11,902.10
	Contract Labor				\$750.00
	Compression/Production				\$25,000.00
Completed Well Cost					\$217,098.17
Total Well Cost for Production					\$440,847.95

Well: CBM J37A

Permit No.: 11803

Total Depth - 2010' DTD

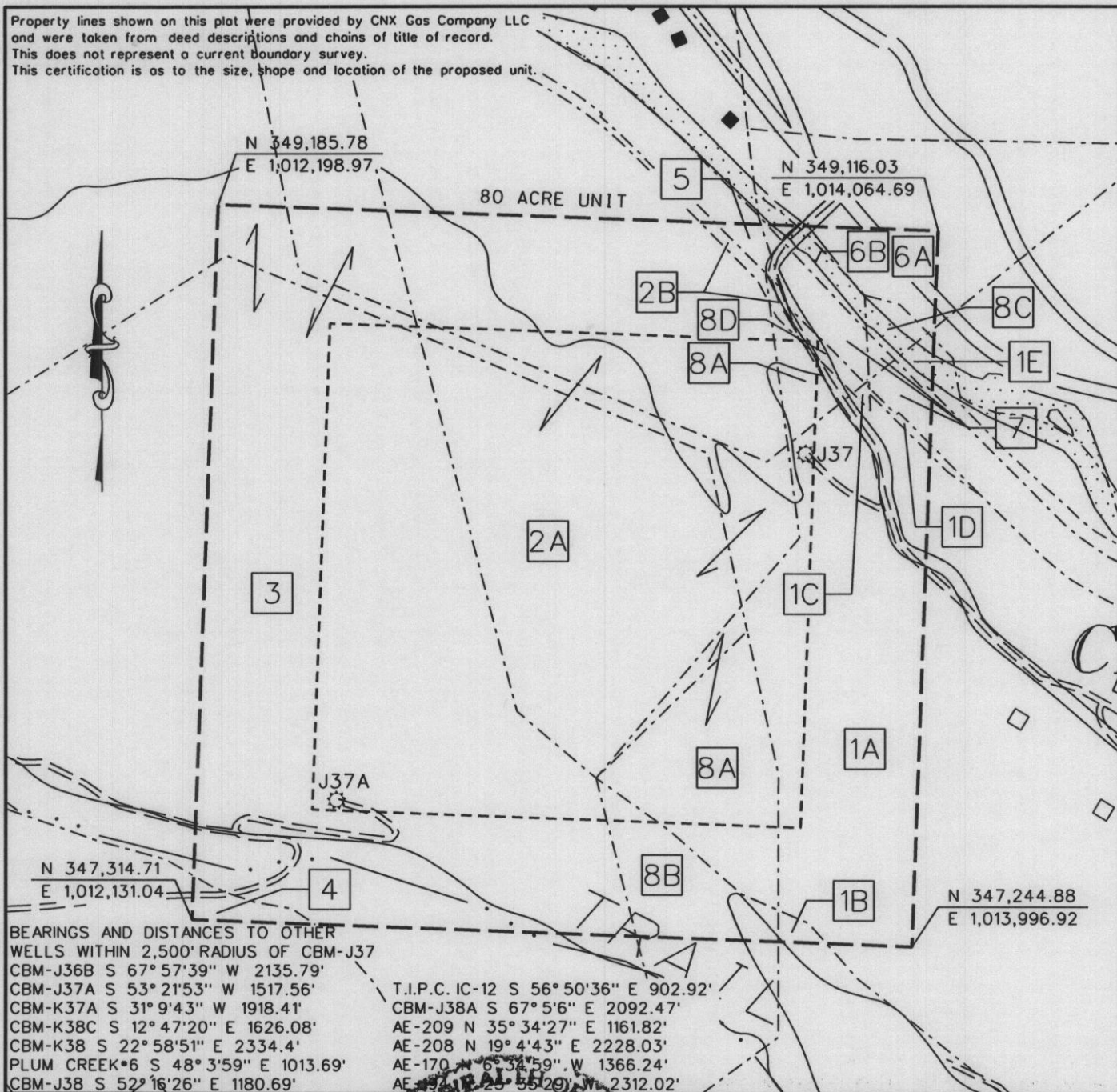
Prepared By:

B. J. Inman

Date: 10-7-11

Disclaimer: The actual cost for the drilling and completion of this well may vary from this estimate, however, the major cost items are shown and are typical of wells of the same type and depth.

Property lines shown on this plat were provided by CNX Gas Company LLC and were taken from deed descriptions and chains of title of record. This does not represent a current boundary survey. This certification is as to the size, shape and location of the proposed unit.



- ⊙ CBM WELL
- ⊙ PROPOSED HORIZONTAL WELL
- ⊙ PROPOSED CBM WELL

Richard C. Murphy
RICHARD C. MURPHY
 Lic. No. 041898
 10-10-11
PROFESSIONAL ENGINEER

EXHIBIT A
 OAKWOOD FIELD
 UNIT J37
 FORCE POOLING
 VGOB-07-0116-1853-01

Company CNX Gas Company LLC Well Name and Number UNIT J37
 Tract No. _____ Elevation _____ Quadrangle KEEN MOUNTAIN
 County BUCHANAN District GARDEN Scale: 1" = 400' Date _____
 This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form DGO-GO-7
 Rev. 9/91

Richard C. Murphy
 Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

CNX Gas Company LLC

UNIT J-37

Tract Identifications

1. Consolidation Coal Company, et al, Big Vein Tract 32 (442.57 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam Leased
Highland Resources, Inc./North American Resources Corporation, et al – Oil and Gas
CNX Gas Company LLC – Oil and Gas Leased (1/3)
Plum Creek Timberlands, L.P., et al – CBM
CNX Gas Company – CBM Leased
12.39 Acres 15.4875%
- 1A. Milfred Maxwell Heirs, et al – Surface Owner
- 1B. Unknown Surface Owner
- 1C. Norfolk Southern Railway Company – Surface Owner
- 1D. Norfolk Southern Railway Company – Surface Owner
- 1E. Norfolk Southern Railway Company – Surface Owner
2. Fulton H. Cole Heirs – Fee
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam Leased
Appalachian Energy – Oil and Gas Leased
Appalachian Energy – CBM Leased (CNX Gas Company LLC Operator)
24.09 Acres 30.1125%
- 2A. Fulton H. Cole Heirs – Surface Owner
- 2B. Norfolk Southern Railway Company – Surface Owner
3. Caroline Cole Keen, et al (164.56 Acre Tract) – All Minerals (Except Jawbone Seam & 1/9 In P-3 Seam)
Island Creek Coal Company/Consol Energy, Inc. – 1/9 Int. in P-3 Seam
Jewell Smokeless Coal Corporation- Jawbone Seam
Island Creek Coal Company/Consol Energy, Inc. - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Above Drainage Coal Leased
Appalachian Energy – Oil and Gas Leased (90.76543%)
Appalachian Energy – CBM Leased (84.29630%) (CNX Gas Company LLC – Operator)
CNX Gas Company LLC - CBM Leased (2.46914%)
Caroline Cole Keen, et al – Surface
32.02 Acres 40.0250%
4. Buck Jewell Resources, LLC (100 Acre Tract) – Fee except Coal in Jawbone Seam
Jewell Smokeless Coal Corporation – Jawbone Seam
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Appalachian Energy – Oil and Gas Leased
Appalachian Energy – CBM Leased (CNX Gas Company LLC – Operator)
0.41 Acres 0.5125%

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

CNX Gas Company LLC

UNIT J-37

Tract Identifications

5. Norfolk Southern Railway Company – Fee
Island Creek Coal Company/Consol Energy, Inc. – P-3 Seam Leased
CNX Gas Company LLC – CBM Leased
0.23 Acres 0.2875%
6. Caroline Cole Keen, et al (79.10 Acre Tract) – All Minerals (Except Jawbone Seam & 1/9 In P-3 Seam)
Island Creek Coal Company/Consol Energy, Inc. – 1/9 Int. in P-3 Seam
Jewell Smokeless Coal Corporation- Jawbone Seam
Island Creek Coal Company/Consol Energy, Inc. - Below Drainage Coal Leased
Jewell Smokeless Coal Corporation - Above Drainage Coal Leased
Appalachian Energy – Oil and Gas Leased
Appalachian Energy – CBM Leased (79.01235%) (CNX Gas Company LLC – Operator)
CNX Gas Company LLC - CBM Leased (10.98765%)
Caroline Cole Keen, et al – Surface
1.68 Acres 2.1000%
- 6A. Caroline Cole Keen, et al – Surface
- 6B. Norfolk Southern Railway Company – Surface Owner
7. Norfolk Southern Railway Company – Fee (Except Coal Below 800 Feet)
Island Creek Coal Company/Consol Energy, Inc. – P-3 Seam Leased
Consolidation Coal Company, et al – Coal Below 800 Feet
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam except P-3 Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam up to 800 Feet Leased
CNX Gas Company LLC – CBM Leased
1.34 Acres 1.6750%
8. Consolidation Coal Company, et al, Big Vein Tract 32 (442.57 Acre Tract) – Coal
Island Creek Coal Company/Consol Energy, Inc. – Coal Below Tiller Seam Leased
Jewell Smokeless Coal Corporation – Coal Above Tiller Seam Leased
Highland Resources, Inc./North American Resources Corporation, et al – Oil and Gas
Appalachian Energy – Oil and Gas Leased
Plum Creek Timberlands, L.P., et al - CBM
CNX Gas Company – CBM Leased
7.84 Acres 9.8000%
- 8A. Milfred Maxwell Heirs, et al – Surface Owner
- 8B. Unknown Surface Owner
- 8C. Norfolk Southern Railway Company – Surface Owner
- 8D. Norfolk Southern Railway Company – Surface Owner

(This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coalbed methane ownership and should not be relied upon for such purpose.)

Exhibit B-3
Unit J-37
Docket # VGOB 07-0116-1853-01
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
I. COAL OWNERSHIP		
<u>Tract #3, 32.02 Acres</u>		
Caroline Cole Keen, et al. (Caroline Cole Gregory Heirs, Devisees, Successors or Assigns) (164.56 Acre Tract)	32.02 acres	40.0250%
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street * P.O. Box 459 Abingdon, VA 24212	1.779 acres 1/18 of 32.02 acres	2.2236%
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald Heirs, Devisees, Successors or Assigns		
(d.1.1) B.W. McDonald Testamentary Trust PO Box 999 Prestonsburg, KY 41653	1.067 acres 1/30 of 32.02 acres	1.3342%
<u>Tract #6, 1.68 Acres</u>		
Caroline Cole Keen, et al. (Caroline Cole Gregory Heirs, Devisees, Successors or Assigns) 85 Acre Tract (now identified as 79.10 acres)	1.68 acres	2.1000%
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street * P.O. Box 459 Abingdon, VA 24212	0.093 acres 1/18 of 1.68 acres	0.1167%
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald		
(d.2) Lena McDonald Heirs, Devisees, Successors or Assigns		
(d.2.1) Byrd W. McDonald, II * 10456 NW 2nd Ave. Portland, OR 97231	0.037 acres 1/45 of 1.68 acres	0.0467%
(d.2.5) Greta McDonald Meek * 177 Colvin Branch Oil Springs, KY 41238	0.037 acres 1/45 of 1.68 acres	0.0467%
II. OIL & GAS OWNERSHIP		
<u>Tract #3, 32.02 Acres</u>		
Caroline Cole Keen, et al. (Caroline Cole Gregory Heirs, Devisees, Successors or Assigns) (164.56 Acre Tract)	32.02 acres	40.0250%

Exhibit B-3
Unit J-37
Docket # VGOB 07-0116-1853-01
List of all Unleased Owners/Claimants

	Acres in Unit	Percent of Unit
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street *	1.779 acres	2.2236%
P.O. Box 459	1/18 of 32.02 acres	
Abingdon, VA 24212		
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald Heirs, Devisees, Successors or Assigns		
(d.1.1) B.W. McDonald Testamentary Trust	1.067 acres	1.3342%
PO Box 999	1/30 of 32.02 acres	
Prestonsburg, KY 41653		
<u>Tract #6, 1.68 Acres</u>		
Caroline Cole Keen, et al.	1.68 acres	2.1000%
(Caroline Cole Gregory Heirs, Devisees, Successors or Assigns)		
85 Acre Tract (now identified as 79.10 acres)		
(1) Caroline Cole Gregory Heirs, Devisees, Successors or Assigns - <i>Coal except the Jawbone Seam</i>		
(a) Hassel Cole (1/9)		
(a.1) Thelma Parks - <i>Coal except Jawbone & P3 Seam</i>		
(a.1.1) Edith G. Street *	0.093 acres	0.1167%
P.O. Box 459	1/18 of 1.68 acres	
Abingdon, VA 24212		
(d) Leonard P. Cole (1/9)		
(d.1) B. W. McDonald		
(d.2) Lena McDonald Heirs, Devisees, Successors or Assigns		
(d.2.1) Byrd W. McDonald, II *	0.037 acres	0.0467%
10456 NW 2nd Ave.	1/45 of 1.68 acres	
Portland, OR 97231		
(d.2.5) Greta McDonald Meek *	0.037 acres	0.0467%
177 Colvin Branch	1/45 of 1.68 acres	
Oil Springs, KY 41238		

***Note: The Oil & Gas is leased by Appalachian Energy**

Exhibit E
Unit J-37
Docket # VGOB 07-0116-1853
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Percent of Unit	Well J37	Well J37A
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Tract #7, 1.34 Acres

Only a portion of this tract will be escrowed

COAL OWNERSHIP

(2) Yukon Pocahontas Coal Company et al., Tr. 32 (Coal below 800')	1.34 acres	1.6750%	Escrow 65.7241% of their interest in unit
(a) Yukon Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.67 acres 1/2 of 1.34 acres	0.8375%	
(b) Buchanan Coal Company P.O. Box 187 Tazewell, VA 24651	0.15 acres 1/9 of 1.34 acres	0.1861%	
(c) Sayers-Pocahontas Coal Company P.O. Box 187 Tazewell, VA 24651	0.07 acres 1/18 of 1.34 acres	0.0931%	
(d) Consolidation Coal Company * 10545 Riverside Dr. Oakwood, VA 24631	0.45 acres 1/3 of 1.34 acres	0.5583%	

* Note: Plum Creek Timberlands retained their CBM interest, there is no conflict.
If no conflict, the royalty for (d) is to be paid to Plum Creek.

OIL & GAS OWNERSHIP

(1) Norfolk Southern Railway Company	1.34 acres	1.6750%	Pay NS 34.2759% of their interest in unit	Coal above 800' not stimulated
If no conflict royalties paid to: Pocahontas Land Corporation Treasurer, Pocahontas Land Corporation P. O. Box 1517 Bluefield, WV 24701				Escrow 100.0000% of their interest in unit